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10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12

13 JOHN LEE HOLT,	)	CASE NO. 1:97-cv-6210 AWI
	)	
14 Petitioner,	)	<b><u>Death Penalty Case</u></b>
	)	
15 vs.	)	STIPULATED PROTECTIVE ORDER
	)	
16 ROBERT L. AYERS, JR., as Warden	)	
of the California State Prison at	)	
17 San Quentin,	)	
	)	
18 Respondent.	)	
_____	)	

19

20 Petitioner JOHN LEE HOLT and Respondent ROBERT L. AYERS, Jr., as Warden of the  
21 California State Prison at San Quentin, by and through their counsel of record, stipulate that a  
22 Protective Order may be entered by the Court as follows:

23 IT IS HEREBY ORDERED that the results of the competency examination of petitioner  
24 John Lee Holt and any information obtained in connection with the examination by Dr. Roderick  
25 Ponath, M.D., shall be used for the determination of the Mr. Holt's current competency and for no  
26 other purpose. Disclosure of the contents of the Dr. Ponath's report shall not be made by petitioner  
27 or respondent to any other persons or agencies, including any other law enforcement or prosecutorial  
28 personnel or agencies. No statement made by Mr. Holt in the course of the competency evaluation,

no testimony by Dr. Ponath based upon any such statement, and no other fruits of any such statement shall be offered or admitted into evidence by or against Mr. Holt on any issue other than Mr. Holt's current competency. This order shall continue in effect after the conclusion of the habeas corpus proceedings and specifically shall apply in connection with all state court proceedings including a retrial of all or any portion of petitioner's criminal case. Any testimony in this proceeding in which Dr. Ponath's report is referred to shall be held in such a way that the contents of the report shall remain confidential and are not disclosed to any persons but the parties, the court, and necessary court personnel. Such testimony may be subject to disclosure beyond the limitations stated in this order only upon a prior determination by the Court that specific, identified information is not protected. Such determination shall be made only after petitioner or respondent serves a motion providing notice of the specific information it contends is not protected, and the other party is given an opportunity to object to the use or disclosure of the information.

DATE: September 5, 2008

NEWMAN.AARONSON.VANAMAN  
DANIEL J. BRODERICK, Federal Defender  
JENNIFER M. COREY, Assistant Federal Defender

By /s/ Robert M. Myers  
ROBERT M. MYERS  
Attorneys for Petitioner John Lee Holt

EDMUND G. BROWN JR.  
Attorney General of the State of California

By: /s/ Peter Thompson  
Peter Thompson, Deputy Attorney General  
Attorneys for Respondent

IT IS SO ORDERED.

Dated: September 5, 2008 /s/ Anthony W. Ishii  
Anthony W. Ishii  
United States District Judge